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PATENT

PATENT

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Transmitted herewith is the patent application of the below named inventor(s), pursuant to 37 CFR § 1.53(b)(1). Applicants request that the application be filed as a Divisional Application of U.S. Serial No. 08/790,043, filed January 28, 1997.

Title: Novel FabI

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| <u>1</u> | Title Page (Page In Front of Specification) |
| <u>54</u> | page(s) of specification (minus claims and abstract) |
| <u>3</u> | page(s) of claims |
| <u>1</u> | page(s) of abstract |
| <u>4</u> | page(s) of sequence listing |
| <u>3</u> | sheet(s) of drawing |
| <u>4</u> | page(s) of declaration and power of attorney (original or copy) |
| <u>0</u> | page(s) Preliminary Amendment |

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and addressed to: Assistant Commissioner of Patents, Washington, DC 20231, on April 15, 1999.

Robert Ballarini

2. Additional Papers enclosed:

☒ Acknowledgment postcard

3. Oath or Declaration

- (a) ☐ Newly executed (original or copy)
(b) ☒ Copy from a prior application (37 CFR § 1.63(d)(1)(iv)) for Divisional Application
(c) ☐ Declaration or oath is not enclosed. [OPTIONAL]
(i) ☐ Deletion of Inventor(s)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

4. ☐ **Incorporation By Reference.**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied and is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

5. **If a Continuing Application, check appropriate box, and supply the requisite information below and in a preliminary amendment:**

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior Application No. 08/790,043

Prior application Information: Examiner: Priebe, S.

Group/Art Unit: 1632

6. **Co-Pendency**

☒ No extension of time is believed needed to maintain the co-pendency of the parent application.

☐ An extension of time in the parent case is filed herewith.

Should an extension of time or an additional extension of time in the parent case be required to maintain co-pendency, please consider this a Petition for such extension. Any additional fees required for such extension may be charged to Deposit Account No. 50-0258.

7. The correspondence address

- ☐ remains the same as in the prior Application
☒ should be revised to recite:

Thomas S. Deibert
Reg. No. 40,984

Dechert Price & Rhoads
1717 Arch Street
Philadelphia, PA 19103-2793; USA
Telephone - (609) 620-3231
Facsimile - (609) 620-3259

8. This application claims priority of one or more U.S. Applications under 35 U.S.C. §120. Accordingly, please amend the application to recite as the first line of the application:

21 --This application is a divisional of U.S. Application No. 08/790,043, filed January 28, 1997. --

9. An assignment of the invention of the application, together with an Assignment Recordation Cover Sheet:

- ☐ is enclosed, or
☒ was filed in a parent case and recorded at
Reel No.: 8932
Frame No.: 0853

10. ☐ Microfiche Computer Program (Appendix)

11. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

A. Enclosed are:

- (a) ☐ Computer Readable Copy of the Sequence Listing
(b) ☐ Paper Copy (identical to Computer Readable Copy) of the Sequence Listing

- B. ☒ Enclosed is a paper copy of the Sequence Listing. This paper copy and a Computer Readable Form thereof are identical with the Computer Readable Form in another application of the Applicant which is fully identified as follows:

U.S. Application No. 08/790,043

Filed: January 28, 1997

Attorney Docket No.: GM50005

which is believed to comply with the rules set forth in 37 CFR § 1.821 et. seq. Applicants requests pursuant to 37 CFR § 1.821(e) that this Computer Readable Form be used in the present application.

- ☒ Statement under 37 CFR § 1.821(f): The content of the Computer Readable Copy enclosed or identified above as in another application of the Applicant is the same as that of the paper copy.

12. Prior to the examination of this Application, please:

- ☐ enter the enclosed Preliminary Amendment; and
☒ cancel claims 1-11.

13. **Information Disclosure Statement:**

- The Examiner is requested to consider carefully the complete text of the documents submitted herewith in connection with the examination of this application. It is believed that the Examiner will concur with Applicant's belief that the documents do not adversely affect the patentability of the subject matter presently claimed, taken alone or in combination.
- It is requested that the listed documents be included in the "References Cited" portion of any patent issuing from this application.
- Under 37 CFR 1.97(i), Applicants understand that non-complying Information Disclosure Statements will be placed in the file but not considered by the Office, however, under Reply to Comment 8 of the Federal Register, page 2024, Applicants will be informed when information is not considered.

[X] Applicants make of record the documents submitted in parent Application Serial No. _____, filed _____. These documents are listed on the Form

- [] PTO/SB/08A
[] PTO/SB/08B
[X] PTO-1449

which was submitted in the parent case, a copy of which form(s), modified to recite the new filing information, is/are enclosed. The Office is requested to make these forms of record in the present case. In accordance with 37 CFR 1.98(d), copies of the documents cited in the above-listed forms are not enclosed.

[] If additional documents are to be made of record, these are listed with unique identifiers on further Forms PTO/SB/08A and PTO/SB/08B which are enclosed. Copies of these additional documents are enclosed.

14. Fee Calculation for filing of Application, taking into account the above-referenced amendments:

- ☒ Other Than Small Entity (\$760.00)
☐ Small Entity (\$380.00)
☐ Claims in Excess of 20: (@ \$18.00 Other Than Small Entity)
☐ Claims in Excess of 20: (@ \$9.00 Small Entity)

- ☒ Independent Claims in Excess of 3: 2 (@ \$78.00 Other Than Small Entity)
☐ Independent Claims in Excess of 3: (@ \$39.00 Small Entity)
☐ First Presentation of Multiple Dependent Claim (\$260.00 Other Than Small Entity
or \$130.00 Small Entity)

15. Fee payment being made at this time is enclosed:

*	Basic filing fee (Small/Other Than Small Entity)	\$760.00
*	Claims in Excess of 20: (@ \$18.00 Other Than Small Entity)	*.00
*	Claims in Excess of 20: (@ \$9.00 Small Entity)	*.00
*	Independent Claims in Excess of 3: 2 (@ \$78.00 Other Than Small Entity)	156.00
*	Independent Claims in Excess of 3: (@ \$39.00 Small Entity)	*.00
*	Total Fees enclosed:	<u>\$916.00</u>

16. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0258. This letter is filed in triplicate for accounting purposes.

Respectfully submitted,



Arthur E. Jackson
Registration No. 34,354
Allen Bloom
Registration No. 29,135
Attorney for Applicant

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